

EXPRESS MAIL CERTIFICATE  
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DATE OF DEPOSIT 23 November 2005

1AF3 Rec'd PCT/PTO 23 NOV 2005  
#5

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450. NAME OF PERSON MAILING PAPER OR FEE  
(TYPE OR PRINT) Christina Doyle  
SIGNATURE Christina Doyle

Attorney Docket No.: PG5024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Ertl  
Serial No.: 10/533,841 ✓  
Int'l Filing Date: 3 November 2003  
For: Vaccine

Commissioner for Patents  
Mail Stop: PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

This is in response to the "Notification of Missing Requirements under 35 U.S.C. 371" mailed on 23 September 2005, which indicates that the Oath or Declaration of the inventors for the subject patent application is not part of the filewrapper. A copy of the above notice is attached.

Also enclosed, please find a Declaration and Power of Attorney for the subject patent application, which has been fully executed by the inventors of the subject patent application in compliance with 37 C.F.R. 1.497(a), and (b).

Please charge the **\$130.00** surcharge for late filing of the fully executed declaration to **Deposit Account No. 19-2570**. Applicants believe all multiple dependencies have been removed and the additional independent claim over the allowed three independent claims has been paid for. The published PCT specification is 122 pages, the 22 pages in excess of 100 having been paid for at the time of filing. Enclosed, please find copies of the returned post card, preliminary amendment, and transmittal letter submitted on 4 May 2005.

11/30/2005 ATRANI 00000160 192570 10533841

01 FC:1617 130.00 DA

If the Examiner believes additional fees are due, please charge any additional requisite fees for the filing of the enclosed Declaration or credit any over-payment to Deposit Account No. 19-2570.

Respectfully submitted,



Jason C Fedon

Agent for Applicants

Registration No. 48,138

GLAXOSMITHKLINE

Corporate Intellectual Property - UW2220

P.O. Box 1539

King of Prussia, PA 19406-0939

Phone (610) 270-6150 Fax (610) 270-5090

Document3



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,841	Peter F Ertl	PG5024

INTERNATIONAL APPLICATION NO.
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PCT/EP03/12429

I.A. FILING DATE	PRIORITY DATE
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11/03/2003

11/05/2002

20462  
SMITHKLINE BEECHAM CORPORATION  
CORPORATE INTELLECTUAL PROPERTY-US, UW2220  
P. O. BOX 1539  
KING OF PRUSSIA, PA 19406-0939

CONFIRMATION NO. 7352

371 FORMALITIES LETTER



\*OC000000017081432\*

Date Mailed: 09/23/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/04/2005
- Copy of the International Search Report filed on 05/04/2005
- Preliminary Amendments filed on 05/04/2005
- Information Disclosure Statements filed on 05/04/2005
- Biochemical Sequence Diskette filed on 05/04/2005
- Biochemical Sequence Listing filed on 05/04/2005
- Request for Immediate Examination filed on 05/04/2005
- U.S. Basic National Fees filed on 05/04/2005
- Priority Documents filed on 05/04/2005
- Specification filed on 05/04/2005
- Claims filed on 05/04/2005
- Abstracts filed on 05/04/2005
- Drawings filed on 05/04/2005
- Paper nucleotide sequence listings filed on 05/04/2005
- Paper Computer Listings filed on 05/04/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$200 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$580** for a Large Entity:

- **\$130** Surcharge.
  - The fee for submitting a specification and drawing containing more than 100 pages has not been paid in full. Applicant owes **\$250** for **15** pages in excess of **150** pages for a large entity.
- Total additional claim fee(s) for this application is **\$ 200**
  - **\$200** for **2** independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,841	PCT/EP03/12429	PG5024

JC03 Rec'd PCT/PTO 04 MAY 2005

10/533841

DOCKET No. PG 5024 Date Mailed 4 May 05 Atty/Secy JCF/cmd ✓  
MAILING: ~~CERTIFICATE~~ EXPRESS MAIL # EV 453421536 US  
U.S. Serial No. unknown Filing Date: here with  
Int'l App. No.: PCT/EP0003/03429 Int'l Filing Date: 3 November 03

RECEIPT IS ACKNOWLEDGED FOR THE FOLLOWING:

- |  |   |
|--|---|
| <input type="checkbox"/> Appl. Trans. for: <input type="checkbox"/> Provisional <input type="checkbox"/> CIP   | <input checked="" type="checkbox"/> Statement to Support Filing                                   |
| <input type="checkbox"/> Utility/Continuation <input type="checkbox"/> RCE <input type="checkbox"/> Divisional | <input type="checkbox"/> Copy of Notice to Comply   |
| <input type="checkbox"/> Specification _____ pages <input checked="" type="checkbox"/> Abstract <u>1</u> pgs   | <input checked="" type="checkbox"/> Diskette <input checked="" type="checkbox"/> Paper Seq. List: |
| <input type="checkbox"/> Dec. & Power of Atty _____ pages ( _____ )  | <input type="checkbox"/> Appeal Brief _____ pages   |
| <input type="checkbox"/> Drawings _____ Sheet(s)/Figs _____ to _____   | <input type="checkbox"/> Petition _____ pgs.  |
| <input type="checkbox"/> Assignment _____ pages & Recordation Cover Sheet                                      | <input type="checkbox"/> Status Request   |
| <input checked="" type="checkbox"/> Trans. Ltr Nat'l Stage Entry (3pgs.)                                       | <input type="checkbox"/> Trans. Nat'l Stage (2nd sub)   |
| <input checked="" type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> Resp. to Written Opinion   |
| <input checked="" type="checkbox"/> Form PTO-1449 <u>1</u> pgs. & <u>0</u> References                          | <input type="checkbox"/> Priority Document  |
| <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Response <u>9</u> pages                 | <input type="checkbox"/> Notice of Appeal/Brief   |
| <input type="checkbox"/> Petition for Extension of Time  | <input type="checkbox"/> Resp. to Rest. Req. _____ pgs.   |
| <input type="checkbox"/> Issue Fee Trans. (Part B)   | <input type="checkbox"/> Req. to Correct Filing Recp  |
| <input type="checkbox"/> Copy of Notice to File Missing Parts  | <input type="checkbox"/> Copy of Filing Receipt   |
| <input type="checkbox"/> Request for Nonpublication (1 pg)   | <input type="checkbox"/> Cert. of Correction (2)pgs.x:  |
| <input checked="" type="checkbox"/> Authorization to Charge Dep. Acct. # <u>19-2570</u>                        | <input checked="" type="checkbox"/> Postcard  |
| <input checked="" type="checkbox"/> <u>Copy of PCT/ISA/210</u>   |   |

Rec'd PCT/PTC 23 NOV 2005

PATENT

ATTORNEY'S DOCKET NUMBER PG5024

TRANSMITTAL LETTER TO THE U.S. DESIGNATED OFFICE  
(DO/US) - ENTRY INTO NATIONAL STAGE UNDER 35 USC 371

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INTERNATIONAL APP. NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP2003/012429	3 November 2003	5 November 2002

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TITLE OF INVENTION  
VACCINE

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APPLICANT(S) FOR DO/US  
Peter F. ERTL

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Commissioner for Patents  
Mail Stop: PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTENTION: DO/US

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CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter, Form PTO 1390 and the papers indicated as being transmitted therewith, and Post Card are being deposited with the United States Postal Service on this date 4 May 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV453421536US addressed to the:

Commissioner for Patents, Mail Stop: PCT, P.O. Box 1450, Alexandria, VA 22313-1450.

Lonnie Myers  
(Typed or printed name of person mailing paper)

Lonnie Myers  
(Signature of person mailing paper)

COPY

20462

CUSTOMER NUMBER

Form PTO 1390 (REV 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER PG5024
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)
INTERNATIONAL APPLICATION NO. PCT/EP2003/012429	INTERNATIONAL FILING DATE 3 November 2003	PRIORITY DATE CLAIMED 5 November 2002	
TITLE OF INVENTION VACCINE			
APPLICANT(S) FOR DO/EO/US Peter F. ERTL			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; and Form PTO-1449.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
(Add claim to priority via Preliminary Amendment for US originating cases only)
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ Power of attorney.
17. ☒ An Abstract on a separate sheet of paper.
18. ☒ Copy of Form PCT/ISA/210.
19. ☐ Other items or information.

US APPLICATION NO. (if known see 37 CFR 1.492(a)(1)-(5))		INTERNATIONAL APPLICATION NO. PCT/EP2003/012429		ATTORNEYS DOCKET NO. PG5024	
20. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATION PTO USE ONLY	
Basic National Fee (37 C.F.R. 1.492(a)(1)-(5)):					
<input checked="" type="checkbox"/> Basic Filing Fee.....\$300.00				\$300.00	
<input checked="" type="checkbox"/> Examination Fee					
*If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCTArticle33(1)-(4).....\$100.00				\$200.00	
*All other situations.....\$200.00					
<input checked="" type="checkbox"/> Search Fee					
*Search Fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority.....\$100.00				\$400.00	
*International Search Report prepared and provided to the Office.....\$400.00					
*All other situations.....\$500.00					
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
Claims	Number Filed	Number Extra	Rate		
Total claims	32 - 20 = 12	12	12 x \$50.00	\$600.00	
Independent claims	4 - 3 =	1	1 x \$200.00	\$200.00	
Multiple dependent claims (if applicable)			+ \$360.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$800.00	
National Stage Application size fee - for each additional 50 sheets that exceed 100 sheets. No. of 50 addtl sheets 1 x \$250.00 =				\$250.00	
SUBTOTAL =				\$1950.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)) +				\$	
TOTAL NATIONAL FEE =				\$1950.00	
				Amount to be refunded	\$
				charged	\$

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-2570 in the amount of \$1950.00 to cover the above fees.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2570.
- d. ☒ General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extension of time relating to this application (37 CFR 1.136 (a)(3)).

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

GLAXOSMITHKLINE


Corporate Intellectual Property - UW2220

P.O. Box 1539

King of Prussia, PA 19406-0939

Phone (610) 270-6150

Facsimile (610) 270-5090

  
SIGNATURE

Jason C. Fedon

NAME

48,138

REGISTRATION NO.

**COPY**